

AMENDED IN SENATE APRIL 7, 2015

SENATE BILL

No. 252

Introduced by Senator Leno

(Coauthors: Senators Allen, Beall, Hancock, and Wieckowski)

(Coauthors: Assembly Members Baker, *Bloom*, Chiu, *Cooley*, Dababneh, Cristina Garcia, *Gordon*, Lackey, Maienschein, McCarty, ~~and~~ *Olsen*, Santiago, *and Ting*)

February 18, 2015

An act to amend Sections 48412 and 51421 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 252, as amended, Leno. Pupils: diploma alternatives: fees.

(1) Existing law authorizes certain persons, including, among others, any person 16 years of age or older, to have his or her proficiency in basic skills taught in public high schools verified according to criteria established by the State Department of Education. Existing law requires the State Board of Education to award a certificate of proficiency to persons who demonstrate that proficiency. Existing law requires the department to develop standards of competency in basic skills taught in public high schools and to provide for the administration of examinations prepared ~~by~~ *by*, or with the approval ~~of~~ *of*, the department to verify competency. Existing law authorizes the department to charge a fee for each examination application in an amount sufficient to recover the costs of administering the requirements of these provisions, but prohibits the fee from exceeding an amount equal to the cost of test renewal and administration per examination application.

This bill would prohibit the department from charging ~~the fee for an examination application~~ *the fee* to a homeless child or youth who *is*

under 25 years of age and can verify his or her status as a homeless youth. The bill would authorize a homeless services provider, as defined, that has knowledge of the ~~person's~~ *examinee's* housing status to verify the ~~person's~~ *examinee's* status for purposes of these provisions.

(2) Existing law separately requires the Superintendent of Public Instruction to issue a high school equivalency certificate and an official score report, or an official score report only, to a person who has not completed high school and who meets specified requirements, including, among others, having taken all or a portion of a general education development test that has been approved by the state board and administered by a testing center approved by the department, with a score determined by the state board to be equal to the standard of performance expected from high school graduates. Existing law authorizes the Superintendent to charge an examinee a one-time fee to pay costs related to administering these provisions and issuing a certificate, as specified. Existing law limits the amount of the fee to \$20 per person and requires each scoring contractor to forward that fee to the Superintendent.

This bill would, for purposes of those provisions, prohibit a scoring contractor or testing center that charges its own separate fee from charging that separate fee to an examinee who *is under 25 years of age and can verify his or her status as a homeless child or youth.* The bill would authorize a homeless services provider, as defined, that has knowledge of the ~~person's~~ *examinee's* housing status to verify the ~~person's~~ *examinee's* status for purposes of these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 48412 of the Education Code is amended
- 2 to read:
- 3 48412. (a) (1) A person 16 years of age or older, or who has
- 4 been enrolled in the 10th grade for one academic year or longer,
- 5 or who will complete one academic year of enrollment in the 10th
- 6 grade at the end of the semester during which the next regular
- 7 examination will be conducted, may have his or her proficiency
- 8 in basic skills taught in public high schools verified according to
- 9 criteria established by the State Department of Education.

(2) The state board shall award a “certificate of proficiency” to persons who demonstrate that proficiency. The certificate of proficiency shall be equivalent to a high school diploma, and the department shall keep a permanent record of the issuance of all certificates.

(b) (1) The department shall develop standards of competency in basic skills taught in public high schools and shall provide for the administration of examinations prepared by or with the approval of the department to verify competency. Regular examinations shall be held once in the fall semester and once in the spring semester of every academic year on a date, as determined by the department, that will enable notification of examinees and the schools they attend, if any, of the results thereof not later than two weeks prior to the date on which that semester ends in a majority of school districts that maintain high schools.

(2) In addition to regular examinations, the department may, at the discretion of the Superintendent, conduct examinations for all eligible persons once during each summer recess and may conduct examinations at any other time that the—superintendent Superintendent deems necessary to accommodate eligible persons whose religious convictions or physical handicaps prevent their attending one of the regular examinations.

(c) (1) The department may charge a fee for each examination application in an amount sufficient to recover the costs of administering the requirements of this section. However, the fee shall not exceed an amount equal to the cost of test renewal and administration per examination application. All fees levied and collected pursuant to this section shall be deposited in the State Treasury for remittance to the current support appropriation of the department as reimbursement for costs of administering this section. Any reimbursements collected in excess of actual costs of administration of this section shall be transferred to the unappropriated surplus of the General Fund by order of the Director of Finance.

(2) The department shall not charge the fee to *an examinee who meets all of the following criteria:*

(A) *The examinee qualifies as a homeless child or youth, as defined in paragraph (2) of Section 725 of the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a(2)), who 11434a(2)).*

1 (B) *The examinee has not attained 25 years of age as of the date*
2 *of the scheduled examination.*

3 (C) *The examinee can verify his or her status as a homeless*
4 *child or youth. A homeless services provider that has knowledge*
5 *of the person's examinee's housing status may verify the person's*
6 *examinee's status for purposes of this paragraph. subparagraph.*

7 (3) For purposes of this subdivision, a "homeless services
8 provider" includes all *either* of the following:

9 ~~(A) A governmental or nonprofit agency receiving federal, state,~~
10 ~~county, or municipal funding to provide services to a homeless~~
11 ~~child or youth, or that is otherwise sanctioned to provide those~~
12 ~~services by a local homeless continuum of care organization.~~

13 ~~(B) An attorney licensed to practice law in this state.~~

14 ~~(C) A local educational agency liaison for homeless children~~
15 ~~and youth designated as such pursuant to Section 11432(g)(1)(J)(ii)~~
16 ~~of Title 42 of the United States Code, or a school social worker.~~

17 ~~(D) A human services provider or public social services provider~~
18 ~~funded by the state to provide homeless children or youth services,~~
19 ~~health services, mental or behavioral health services, substance~~
20 ~~use disorder services, or public assistance or employment services.~~

21 ~~(E) A law enforcement officer designated as a liaison to the~~
22 ~~homeless population by a local police department or sheriff's~~
23 ~~department within the state.~~

24 ~~(A) A homeless services provider listed in paragraph (3) of~~
25 ~~subdivision (d) of Section 103577 of the Health and Safety Code.~~

26 ~~(F)~~

27 (B) Any other person or entity that is qualified to verify an
28 individual's housing status, as determined by the department.

29 (d) The state board shall adopt rules and regulations as are
30 necessary for implementation of this section.

31 (e) The department shall periodically review the effectiveness
32 of the examinations administered pursuant to this section. The
33 costs of this review may be recovered through the fees levied
34 pursuant to subdivision (c).

35 SEC. 2. Section 51421 of the Education Code is amended to
36 read:

37 51421. (a) The Superintendent may charge a one-time only
38 fee, established by the State Board of Education, to be submitted
39 by an examinee when registering for the test sufficient in an amount
40 not greater than the amount required to pay the cost of

1 administering this article, including costs related to subdivision
2 (b), and for the cost of providing services related to the completion
3 of the general educational development test. The amount of each
4 fee may not exceed twenty dollars (\$20) per person.

5 (b) The examinee shall be responsible for submitting to the
6 Superintendent both of the following requests:

7 (1) A request for a duplicate copy of the high school equivalency
8 certificate.

9 (2) A request to forward a report of the results of a general
10 educational development test to a postsecondary educational
11 institution.

12 (c) (1) If, for purposes of this article, a scoring contractor or
13 testing center charges an examinee its own separate fee, the scoring
14 contractor or testing center shall not charge that fee to *an examinee*
15 *who meets all of the following criteria:*

16 (A) *The examinee qualifies as a homeless child or youth, as*
17 *defined in paragraph (2) of Section 725 of the federal*
18 *McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec.*
19 *11434a(2)), who 11434a(2)).*

20 (B) *The examinee has not attained 25 years of age as of the date*
21 *of the scheduled examination.*

22 (C) *The examinee can verify his or her status as a homeless*
23 *child or youth. A homeless services provider that has knowledge*
24 *of the person's examinee's housing status may verify the person's*
25 *examinee's status for purposes of this subdivision. subparagraph.*

26 (2) For purposes of this subdivision, a "homeless services
27 provider" includes ~~all~~ *either* of the following:

28 ~~(A) A governmental or nonprofit agency receiving federal, state,~~
29 ~~county, or municipal funding to provide services to a homeless~~
30 ~~child or youth, or that is otherwise sanctioned to provide those~~
31 ~~services by a local homeless continuum of care organization.~~

32 ~~(B) An attorney licensed to practice law in this state.~~

33 ~~(C) A local educational agency liaison for homeless children~~
34 ~~and youth designated as such pursuant to Section 11432(g)(1)(J)(ii)~~
35 ~~of Title 42 of the United States Code, or a school social worker.~~

36 ~~(D) A human services provider or public social services provider~~
37 ~~funded by the state to provide homeless children or youth services;~~
38 ~~health services, mental or behavioral health services, substance~~
39 ~~use disorder services, or public assistance or employment services.~~

1 ~~(E) A law enforcement officer designated as a liaison to the~~
2 ~~homeless population by a local police department or sheriff's~~
3 ~~department within the state.~~

4 (A) *A homeless services provider listed in paragraph (3) of*
5 ~~*subdivision (d) of Section 103577 of the Health and Safety Code.*~~

6 ~~(F)~~

7 (B) Any other person or entity that is qualified to verify an
8 individual's housing status, as determined by the department.